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09/752,536	12/29/2000	Nikhil Deshpande	042390.P10456	1421

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EXAMINER
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NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/752,536

Applicant(s)

DESHPANDE ET AL.

Examiner

Saleh Najjar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. This action is responsive to the application filed on December 29, 2000. Claims 1-25 are pending. Claims 1-25 represent method program and apparatus for adaptive synchronization of networked devices.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 6-13, 17, and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hild, U.S. Patent No. 6,088,706.

Hild teaches the invention as claimed including a system and method for managing replicated files (see abstract)

As to claim 1, Hild teaches a method for synchronizing data comprising:

establishing a wireless communications channel between a first mobile computer device belonging to a workgroup and a second device (see figs. 1-2; col. 1-2; col. 7, lines 1-15, 56-57; col. 8, lines 40-50, Hild discloses that mobile devices connect to a network through a communication channel);

determining if the second device belongs to the workgroup of the first device (see col. 7, lines 45-65; col. 8, lines 55-65, Hild discloses identifying members of a group sharing a group of files);

if the second device belongs to the work group of the first device, then receiving data at the first device from the second device through the wireless communications channel; and resolving conflicts between the received data and data of the first device (see col. 8, lines 55-65, Hild discloses that about connection, common files are synchronized according to specified processing rules).

As to claim 6, Hild teaches the method of Claim 1, further comprising overwriting data of the first device using the received data (see col. 8).

As to claim 7, Hild teaches the method of Claim 1, wherein determining if the second device belongs to the workgroup of the first device comprises determining at the first device if the second device belongs to the workgroup of the first device (see col. 7-8).

As to claim 7, Hild teaches the method of Claim 1, wherein resolving conflicts comprising comparing a date of the received data to a date of the data of the first, device (see col. 7-8).

As to claim 9, Hild teaches the method of Claim 1, wherein resolving conflicts comprises displaying any conflicting data to a user with a request for the user to indicate how to resolve the conflict (see fig. 6; col. 10-12).

As to claim 10, Hild teaches the method of Claim 1, wherein the second device is coupled to a server in a network and wherein the received data comprises a modification to a file on the server (see col. 7).

Hild teaches the method of Claim 1, wherein the second device comprises a mobile computer device and wherein the received data comprises data received by the second device from a server in a network (see figs. 1-2; col. 7, lines 1-10).

As to claim 12, Hild teaches the method of Claim 1, wherein the second device comprises a mobile computer system and wherein the received data comprises data entered by a user (see col. 7-8).

As to claim 13, Hild teaches the method of Claim 1, further comprising:  
establishing a connection with a server on a network; and synchronizing the received data with the server (see col. 7, lines 20-67).

Claims 17, and 20-21 do not teach or define any new limitations above claims 1, 6-13 and therefore are rejected for similar reasons.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5, 14-16, 18-19, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hild further in view of Moura et al., U.S. Patent No. 5,818,845.

Hild teaches the invention substantially as claimed including a system and method for managing replicated files (see abstract).

As to claim 2, Hild teaches the method of Claim 1.

Hild fails to teach the claimed limitation wherein establishing a channel comprises polling from the first device on a communications channel for a second device from which to obtain data.

However, Moura teaches a hybrid access system that implements prioritized polling schemes to mobile devices belonging to different groups (see abstract). Moura teaches polling from the first device on a communications channel for a second device from which to obtain data (see figs. 1-2; col. 7, lines 1-60; col. 8, lines 1-60, Moura discloses establishing a communication channel through the use of polling).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hild using the connection scheme as taught by Moura to establish a connection to a wireless network. One would be motivated to do so to allow for efficient utilization of communication channels in a wireless network.

As to claim 3, Hild teaches the method of Claim 1.

Hild fails to teach wherein establishing a channel comprises scanning a radio channel for transmissions from other devices.

However, Moura teaches a hybrid access system that implements prioritized polling schemes to mobile devices belonging to different groups (see abstract). Moura teaches scanning a radio channel for transmissions from other devices (see figs. 1-2; col. 7, lines 1-60; col. 8, lines 1-60, Moura discloses establishing a communication channel through the use of polling).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hild using the connection scheme as taught by Moura to establish a

connection to a wireless network. One would be motivated to do so to allow for efficient utilization of communication channels in a wireless network.

As to claim 4, Hild teaches the method of Claim 1.

Hild fails to teach wherein establishing a channel comprises receiving identification signals at the first device sent in response to a polling message and wherein determining if the second device belongs to the same workgroup comprises comparing an identification signal from the second device to a list of identification signals at the first device.

However, Moura teaches a hybrid access system that implements prioritized polling schemes to mobile devices belonging to different groups (see abstract). Moura teaches receiving identification signals at the first device sent in response to a polling message and wherein determining if the second device belongs to the same workgroup comprises comparing an identification signal from the second device to a list of identification signals at the first device (see figs. 1-2; col. 7, lines 1-60; col. 8, lines 1-60, Moura discloses establishing a communication channel through the use off polling).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hild using the connection scheme as taught by Moura to establish a connection to a wireless network. One would be motivated to do so to allow for efficient utilization of communication channels in a wireless network.

As to claim 5, Hild teaches the method of Claim 1.

Hild fails to teach, wherein establishing a channel comprises broadcasting a polling message and receiving acknowledgement messages sent in response.

However, Moura teaches a hybrid access system that implements prioritized polling schemes to mobile devices belonging to different groups (see abstract). Moura teaches, wherein establishing a channel comprises broadcasting a polling message and receiving acknowledgement messages sent in response (see figs. 1-2; col. 7, lines 1-60; col. 8, lines 1-60, Moura discloses establishing a communication channel through the use off polling and acknowledgements).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hild using the connection scheme as taught by Moura to establish a

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connection to a wireless network. One would be motivated to do so to allow for efficient utilization of communication channels in a wireless network.

Claims 14-16, 18-19, and 22-25 do not teach or define any new limitations above claims 2-5 and therefore are rejected for similar reasons.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, flowing script.

Saleh Najjar

Primary Examiner / Art Unit 2157